

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated February 13, 2006 (hereinafter Office Action) have been considered. Claims 1-17, 19-27, and 29-33 remain pending in the application. Claims 18 and 28 have been cancelled without prejudice or disclaimer. Without acquiescence of the rejections of Claims 18 and 28 or reasons therefor, the Applicants reserve the right to file continuing applications involving the original subject matter of the application, including that subject matter associated with original Claims 18 and 28. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1, 3-5, 10-12, 15-19, 21-23 and 27-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,349,352 to Lea (hereinafter "*Lea*"). Applicants respectfully traverse the rejection, and submit that the claims as originally filed are not anticipated by *Lea*. However, in order to facilitate prosecution of the application, the Applicants present this response with amendment to clarify particular aspects of the claimed invention.

Particular claims have been amended to at least set forth that two or more modules are connectable into a single physical assembly. Each of the modules is capable of performing an independent automation task, and the data interfaces of the two or more automation modules are coupled to exchange data communications for coordinating the respective functional components of the automation modules. Applicants believe that the amendments are fully supported in the Specification as originally filed (e.g., p. 11, lines 20-21).

In contrast, *Lea* is directed to implementing generic data interfaces into consumer electronics devices so that the devices can inter-operate (e.g., col. 2, lines 47-50). The system of *Lea* involves the interoperability of devices such as set top boxes, digital video tape recorders, video cassette recorders, personal computers, and digital video disk players (col. 7, lines 41-45). These devices are connected together by a data bus such as an IEEE 1394 serial communications bus (col. 7, lines 45-50).

To anticipate a claim the reference must teach every element of the claim, and it is respectfully submitted that *Lea* does not meet this standard regarding independent Claims 1, 12, 19, 29, and 33 as originally filed, and particularly as amended. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim.” MPEP 2131, quoting *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Applicant submits that *Lea* does not show the identical invention in as complete detail as is contained in Claims 1, 12, 19, 29, and 33, thus *Lea* does not show every limitation of these claim. For example, *Lea* is silent on automation modules that each perform an independent automation task and that are connectable into a single, physical assembly.

The Examiner has relied on FIG. 1A of *Lea* and col. 7, lines 38-50 to show teachings of automation modules. However, these portions of *Lea* merely discuss separate consumer electronics devices. Nowhere does *Lea* expressly or inherently suggest these consumer electronics devices are connectable into a single physical assembly. *Lea* is directed to data interactions between disparate consumer electronics devices in a home environment, and does not provide any details of physical coupling of devices. Further, because the devices in *Lea* (e.g., set top boxes, digital video tape recorders) are standalone devices that are usable without any inter-connectivity to other devices, Applicants respectfully disagree with the characterization of these devices as “modules.” Because, *Lea* fails to disclose at least these aspects of the Applicants’ Claims 1, 12, 19, 29, and 33, Applicants submit that these claims are allowable over *Lea*.

Dependent Claims 1, 3-5, 10, and 11 depend from independent Claim 1; dependent Claims 15-17 depend from independent Claim 12; dependent Claims 21-23 and 27 depend from independent Claim 19; and dependent Claims 30-32 depend from independent Claim 29. These dependent claims also stand rejected under 35 U.S.C. §102(b) as being

anticipated by *Lea*. While Applicant does not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency or the taking of Official Notice, these rejections are now moot in view of the remarks made in connection with independent Claims 1, 12, 19, and 29. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from *Lea*. Therefore, dependent Claims 1, 3-5, 10, 11, 15-17, 21-23, 27, and 30-32 are also in condition for allowance.

Claims 2 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Lea* in view of U.S. Patent No. 5,929,748 to Odinak (hereinafter “*Odinak*”). Claims 6-9, 13, 14 and 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Lea* in view of U.S. Patent No. 6,288,641 to Casais (hereinafter “*Casais*”). The Applicants respectfully traverse the rejection. According to MPEP §2142, to establish a *prima facie* case of obviousness under 35 U.S.C. §103:

- 1) there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) there must be a reasonable expectation of success; and
- 3) the prior art reference (or references when combined) must teach or suggest all the claim limitations.

All three criteria must be met to establish *prima facie* obviousness of a claim. The Applicant respectfully submits that the combination of *Lea* in view of *Odinak* does not teach or suggest all of the limitations of Claims 2 and 20. For the rejections of Claims 2 and 20, the Examiner relies on *Lea* as teaching the substance of the claims from which Claims 2 and 20 are dependent, namely, independent Claims 1 and 19, respectively. For the rejections of Claim 6-9, 13, 14 and 24-26, the Examiner relies on *Lea* as teaching the substance of the claims from which Claims 6-9, 13, 14 and 24-26 are dependent, namely, independent Claims 1, 12, and 19. The Examiner does not rely on either *Odinak* or *Casais* as providing a remedy to the deficiencies of *Lea* as it pertains to independent Claims 1, 12, and 19, nor do *Odinak* or *Casais* provide such a remedy. Thus, because neither *Lea*,

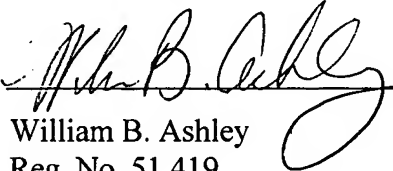
Odinak, or *Casais* individually teach at least the recitations of Claims 1, 12, and 19 as presently amended, the combinations of *Lea/Odinak* and *Lea/Casais* also fails to teach these recitations. Further, respective combinations of *Lea/Odinak* and *Lea/Casais* fail to suggest the invention set forth in Claims 1, 12, and 19, as there is no reference to at least two or more modules that are connectable into a single physical assembly, wherein each of the modules is capable of performing an independent automation task. While other requisites of establishing *prima facie* obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations. For at least this reason, Claims 2 and 20 are not rendered obvious by the combination of *Lea* and *Odinak*, and Claims 6-9, 13, 14 and 24-26 are not rendered obvious by the combination of *Lea* and *Casais*. Withdrawal of the rejection is therefore respectfully solicited.

Authorization is given to charge Deposit Account No. 50-3581 (NOKM.077PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact him at to discuss any issues related to this case.

Respectfully submitted,

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By: 
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